

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al., :
Plaintiffs, :
vs. : CA 04-312L
JEFFREY DERDERIAN, et al., :
Defendants. :

ESTATE OF JUDE B. HENAULT, et al., :
Plaintiffs, :
vs. : CA 03-483L
AMERICAN FOAM CORPORATION, et al., :
Defendants. :

ORDER
RE CAPTIONING
AND FILING OF DOCUMENTS

The Court has previously consolidated all Station fire cases (including cases filed in the future) for purposes of discovery and motion practice. See Order entered 10/27/04. Today's Order prescribes how motions, memoranda, and other documents shall be captioned and establishes the number of originals and copies which shall be required for filing.

It appears that all plaintiffs have now adopted the First Amended Master Complaint filed in Gray, et al. v. Derderian, et al., CA 04-312L (the "Gray FAMC"), although some plaintiffs have adopted it with the additional allegations and claims set forth in Henault, et al. v. American Foam Corp., et al., CA 03-483L (the "Henault Adoption"). For filing purposes, this circumstance has resulted in there being two master cases, the Gray case and the Henault case.

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The purpose of this Order is to assist the Clerk's Office in determining whether a document should be filed and docketed in the Gray case, the Henault case, or in both cases, and also in identifying which party is filing the document. Parties will, therefore, file documents in accordance with the following instructions.

1. **Gray parties**, meaning parties named only in the Gray FAMC (and any plaintiffs who have adopted the Gray FAMC but not the Henault Adoption), shall:

a. caption any document to be filed as "Gray, et al. v. Derderian, et al., CA 04-312L;"

b. include in the title of the document the name of the party filing the document (e.g., Plaintiff Mary Smith's Motion for Protective Order; Defendant John Brown's Objection to Plaintiff Mary Smith's Motion for Protective Order);¹

c. include on the signature page the name of the party filing the document (e.g., Plaintiff Mary Smith by her attorney; Defendant John Brown by his attorney);²

¹Where a document is being filed on behalf of more than three plaintiffs or defendants (or is directed against more than three plaintiffs or defendants), the title of the motion shall not include their names, but shall identify the parties simply as "Plaintiffs" or "Defendants." A footnote shall immediately follow the word "Plaintiffs" or "Defendants" in the title (e.g., "Plaintiffs'¹ Motion for Protective Order;" "Defendants'¹ Motion to Compel Production"). The footnote shall state concisely on whose behalf the motion is filed (e.g., "all parties represented by counsel" or "all parties represented by counsel except ..."). Similarly, if the motion (or objection) is directed against more than three plaintiffs or defendants, the footnote shall identify the plaintiffs or defendants against whom it is directed in the same concise fashion.

²Where a document is being filed on behalf of more than three plaintiffs or defendants, the signature page shall not include their

d. file one original and two copies of each document.

The plaintiffs in the following cases have adopted the Gray FAMC:

CA 03-148 Passa, et al. v. Derderian, et al.

CA 03-208 Kingsley, et al. v. American Foam Corp et, al.

CA 05-002 Paskowski, et al. v. Derderian, et al.

Any cases filed in the future adopting the Gray FAMC shall follow this procedure.

2. **Henault parties**, meaning parties named only in the Henault Adoption (and any plaintiffs who have adopted the Henault Adoption), shall:

a. caption any document to be filed as "Henault, et al. v. American Foam Corp., et al., CA 03-483L;"

b. include in the title of the document the name of the party filing the document (e.g., Plaintiff Mary Smith's Motion for Protective Order; Defendant John Brown's Objection to Plaintiff Mary Smith's Motion for Protective Order);³

c. include on the signature page the name of the party filing the document (e.g., Plaintiff Mary Smith by her attorney; Defendant John Brown by his attorney);⁴

d. file one original and two copies of each document.

names, but shall be signed simply as "Plaintiffs by their attorney" or "Defendants by their attorneys" with a footnote immediately following the word "Plaintiffs" or "Defendants" (e.g., "Plaintiffs³ by their attorney" or "Defendants³ by their attorney") directing the reader to footnote 1 which identifies these Plaintiffs or Defendants. See n.1.

³ See n.1.

⁴ See n.2

The plaintiffs in the following cases have adopted the Henault Adoption:

CA 03-335 Guindon, et al. v. American Foam Corp., et al.

CA 04-026 Roderiques v. American Foam Corp., et al.

CA 04-056 Sweet, et al. v. Derderian, et al.

Any cases filed in the future adopting the Henault Adoption shall follow this procedure.

3. **Gray-Henault parties**,⁵ meaning parties named in both the Gray FAMC and the Henault Adoption, shall:

a. caption any document to be filed with the names of both cases, "Gray, et al. v. Derderian, et al., CA 04-312L," and "Henault, et al. v. American Foam Corp., et al., CA 03-483L" (as this Order is captioned);

b. include in the title of the document the name of the party filing the document (e.g., Plaintiff Mary Smith's Motion for Protective Order; Defendant John Brown's Objection to Plaintiff Mary Smith's Motion for Protective Order);⁶

c. include on the signature page the name of the party filing the document (e.g., Plaintiff Mary Smith by her attorney; Defendant John Brown by his attorney);⁷

d. file two originals and two copies (a total of

⁵ These instructions pertain to documents which a party wishes to file in both Gray, et al. v. Derderian, et al., CA 04-312L, and Henault, et al. v. American Foam Corp., et al., CA 03-483L. A party who desires that a document only be filed in one of the actions should comply with filing instructions for that action as stated above.

⁶ See n.1.

⁷ See n.2

four documents).

So Ordered.

ENTER:

BY ORDER:



RONALD R. LAGUEUX
United States District Judge
January 28, 2005



Deputy Clerk

RECEIVED
JAN 29 2005

FILED